IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Lu et al.** Serial No.: 09/909,224 For: AUDIENCE MEASUREMENT SYSTEM FOR DIGITAL TELEVISION Filed: July 19, 2001 Group Art Unit: 2623 Examiner: Justin E. Shepard	) I hereby certify that this document) is being deposited electronically) with the United States Patent and) Trademark Office on this date:))))))) **December 3, 2007**)) /James A. Flight/) James A. Flight) Registration No. 37,622) Attorney for Applicants)

RULE 132 DECLARATION OF JOHN HOUSTON

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, John Houston, hereby declare and state:

1.   I am the named inventor of U.S. Patent 6,353,929 ("my patent"). As such, I am very familiar with the content of my Patent.

2.   Because of that familiarity, I have been asked to independently review U.S. Patent Application Serial No. 09/909,224 (the "'224 application"), the claims of the '224 application as presented herewith, the rejections made in the final Office action mailed on August 1, 2007, Ozkan, U.S. Patent 6,031,577, and the applicants' arguments filed June 28, 2007. I have reviewed these materials and am presenting this declaration to support the applicant's request for a continued examination, and to assist the USPTO in its examination of the '224 application.

3.   I have reviewed the final Office action's argument that my patent is directed toward a tuning device. However, I respectfully submit that the Examiner misunderstands my disclosure when he describes it as a tuning device. My patent is directed toward an audience measurement system. It is not a tuning device and it does not seek to affect how audience members utilize their tuning devices nor does it seek to affect how such tuning devices operate to tune programs. Instead, specifically with respect to tuning devices, my patent relates to measuring how audience members utilize their own tuning devices. As such, there is no reason apparent to me to modify my patent to enable tuning of any sort, let alone to enable tuning "to sub-channels without acquiring the program map table (PMT)" as stated in the Office action.

4.   The cooperative media handler methods disclosed in my patent provide access to a rich amount of audience measurement data, so there is nothing to be gained by employing eavesdropping methods such as those disclosed in the '224 application when my disclosed methods are available. Therefore, in my opinion, a person of ordinary skill in the art reading my patent in the relevant time frame would not be led by my disclosure to the invention recited in claims 62 and 80 of the '224 application as currently presented in the response to the Office action of August 1, 2007 filed herewith. Quite simply, the techniques I disclose and the techniques recited in claims 62 and 80 relate to fundamentally different approaches to media measurement. Since my patent has no need of eavesdropping techniques such as those recited in claims 62 and 80, in my opinion, no
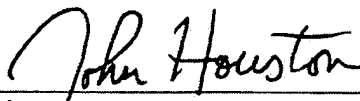
person of ordinary skill in the art reading my patent would take it as suggesting the eavesdropping techniques of the '224 application.

5.   With respect to independent claims 13, 61 and 79 of the '224 application as presented with the Response to the Office action o fAugust 1, 2007 filed herewith, my patent makes absolutely no mention of collection and/or timestamping PID headers as a useful vehicle for performing media monitoring. While it is true that the methods and apparatus disclosed in my patent could certainly collect such PID headers (the methods and apparatus I disclosed can be used to collect virtually any type of media measurement data), my patent does not specifically disclose the concept of collecting and/or timestamping such PID headers or in anyway indicate that collecting and/or timestamping such PID headers would be of interest. Therefore, in my opinion, the only way a person of ordinary skill in the art at the relevant time frame reading my patent would be led to collect and timestamp PID headers, is if that person had a priori knowledge of the value of collecting such PID headers from another source.

6.   I agree with the position that my patent described collecting payload data which may be associated with PID headers and, thus, my patent does not by itself motivate someone to collect and timestamp PID headers.

7.   I understand that willful and false statements and the like are

punishable by a fine and/or imprisonment under 18 U.S.C. § 1001, and

that any such willful and false statement may jeopardize the validity of this

application and any patent resulting therefrom.

Date: *11-30-07*   By: _John Houston_
                                            John Houston